

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>In re:</b>	§	
	§	<b>Case No. 23-10164-smr</b>
<b>ASTRALABS, INC.,</b>	§	
	§	<b>Chapter 7</b>
<b>Debtor.</b>	§	

**AVANA HEALTH’S LIMITED OBJECTION TO TRUSTEE’S SECOND MOTION (I) FOR AUTHORITY TO SELL DESIGNATED SECURITIES AND WARRANTS, FREE AND CLEAR OF ALL LIENS, CLAIMS, AND ENCUMBRANCES; (II) FOR APPROVAL OF NOTICE, SALE, AND EXECUTORY CONTRACT PROCEDURES; AND (III) TO SET FINAL HEARING TO APPROVE SALE AND GOOD FAITH DESIGNATION TO PREVAILING PURCHASER(S) [DOCKET NO. 398]**

Avant Health files this *Limited Objection* (the “Limited Objection”) to *Second Motion (I) for Authority to Sell Designated Securities and Warrants, Free and Clear of All Liens, Claims, and Encumbrances; (II) for Approval of Notice, Sale, and Executory Contract Procedures; and (III) to Set Final Hearing to Approve Sale and Good Faith Designation to Prevailing Purchaser(s) [Docket No. 398]* (the “Motion”), and in support thereof respectfully states as follows:

1. On April 3, 2024, Randolph N. Osherow, in his capacity as the duly appointed chapter 7 trustee (in such capacity, the “Trustee”), for and on behalf of ASTRALABS, Inc., d/b/a “Newchip” (the “Debtor”) filed the Motion. The Motion seeks authority to sell a portfolio of warrant securities issued to the Debtor generally by former customers (collectively, the “Warrants”), which appear to comprise the Debtor’s primary assets.

2. On March 31, 2023, Avana Health joined the Newchip Accelerator program. Part of the value proposition Newchip’s Accelerator program offered startups was a \$250,000 warrant. Unconvinced that the warrant was in Avana Health’s best interest, Avana Health paid more upfront and waived the warrant.

3. Avana Health files this Limited Objection to the Motion only to the extent the Motion seeks to sell a warrant that was never issued to Avana Health. Avana Health takes no other position to the Motion provided that the Motion has no impact or effect whatsoever on Avana Health.

WHEREFORE Avana Heath prays that the Court (i) determine that a warrant was never issued to Avana Health, (ii) determine that the motion does not apply nor has any effect upon Avana Health, and (ii) grant Avana Health such other and further relief to which it may be entitled.

Dated: June 3, 2024

Respectfully submitted,

FOX ROTHSCHILD, LLP

/s/ Trey A. Monsour

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on the 3rd day of June, a true and correct copy of the foregoing pleading, together with all exhibits thereto, to be served by electronically filing it with the Court using the Court's CM/ECF system, which sent notification to the parties listed on the attached service list.

By: /s/ Trey A. Monsour

**23-10164-smr Notice will be electronically mailed to:**

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